

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

HUMAN MITOCHONDRIAL MALATE DEHYDROGENASE

the specification of which:

☐ is attached hereto.

☒ was filed on September 3, 1997 as application Serial No. 08/922,957 and if this box contains an X ☐, was amended on _____.

☐ was filed as Patent Cooperation Treaty international application No. _____ on _____, 19__, if this box contains an X ☐, was amended on under Patent Cooperation Treaty Article 19 on _____ 19__, and if this box contains an X ☐, was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Docket No.: PF-0379 US

Country	Number	Filing Date	Priority Claimed
_____	_____	__/__/__ Yes __/__/__ No	__/__/__ Yes __/__/__ No
_____	_____	__/__/__ Yes __/__/__ No	__/__/__ Yes __/__/__ No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application	Status (Pending,
Serial No. _____	Filed _____ Abandoned, Patented)

I hereby appoint the following:

LUCY J. BILLINGS	Registration No. 36,749
MICHAEL C. CERRONE	Registration No. 39,132
SHEELA MOHAN-PETERSON	Registration No. 41,201
COLETTE C. MUENZEN	Registration No. 39,784
KAREN J. ZELLER	Registration No. 37,071

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

LUCY J. BILLINGS, ESQ.
INCYTE PHARMACEUTICALS, INC.
3174 PORTER DRIVE, PALO ALTO, CA 94304
TEL: 650-855-0555 FAX: 650-845-4166

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Sole Inventor or
First Joint Inventor:**

Full name: **OLGA BANDMAN**
Signature: *Olga Bandman*
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Third Joint Inventor:

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Docket No.: PF-0379 US

Response Under 37 C.F.R. 1.116 - Expedited Procedure
Examining Group 1652

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on February 14, 2001.
By: [Signature]
Printed: Nancy L. Glynn

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: HUMAN MITOCHONDRIAL MALATE DEHYDROGENASE

Serial No.: 08/922,957 Filing Date: September 3, 1997

Examiner: Fronda, C. Group Art Unit: 1652

Box AF
Commissioner for Patents
Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),
REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Genomics, Inc., formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 9774, Frame 0975, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

Lucy J. Billings
Michael C. Cerrone
Diana Hamlet-Cox
Richard C. Ekstrom
Barrie D. Greene
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Please direct all correspondence to:

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and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Incyte Genomics, Inc., Phone: (650) 855-0555, Fax: (650) 845-4166.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE GENOMICS, INC.

Date: February 14, 2001

By: Lee Bendekgey

Lee Bendekgey
VP, General Counsel/Corporate Secretary